

MAY 25 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

4

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

BAKER & BOTTS LLP  
30 Rockefeller Plaza  
New York, N.Y. 10112-4498

In re Application of  
FUHR, Günter et al :  
Application No.: 09/720,275 :  
PCT No.: PCT/EP99/04470 :  
Int. Filing Date: 28 June 1999 :  
Priority Date: 26 June 1998 :  
Attorney's Docket No.: A33828 PCT USA :  
For: ELECTRODE ARRANGEMENT FOR :  
GENERATING FUNCTIONAL FIELD :  
BARRIERS IN MICROSYSTEMS :

DECISION ON  
PETITION UNDER  
37 CFR 1.182

This decision is in response to applicants' "Letter" filed on 06 March 2001 requesting to correct the U.S. application number on documents submitted 22 February 2001. This is treated as a petition under 37 CFR 1.182. The petition fee has been charged to counsel's Deposit Account 02-4377 as authorized.

### BACKGROUND

On 08 February 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497 and a surcharge fee pursuant to 37 CFR 1.492(e) must be provided.

On 22 February 2001, applicants filed a "Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" ("Response") which also contained an executed declaration, and a check of \$130.00 for the surcharge fee. However, applicants erroneously listed the U.S. application number on the Response as 09/720,141.

On 06 March 2001, applicants filed the instant petition which was accompanied by, *inter alia*, copies of the documents filed 22 February 2001 including a stamped postcard receipt for those documents.

### DISCUSSION

A review of the documents submitted with the instant petition reveals that applicants used the wrong U.S. application number on the Response filed on 22 February 2001. Applicants designated the above-captioned application as U.S. application number "09/720,141," instead of "09/720,275."

A search of U.S. application number "09/720,141" resulted in locating the Response and executed declaration for the above-captioned application. These documents were submitted on 22 February 2001. Applicants' petition has been treated as a petition to remove these documents and place them in the above-captioned application. Applicants' petition is granted. The petition fee of \$130.00 has been charged to Deposit Account No. 02-4377 as authorized. Furthermore, the surcharge fee has been removed from U.S. application number "09/720,141" and placed in the above-captioned file's financial records.

Applicants are reminded to use only U.S. application number "**09/720,275**" for all future correspondence regarding this application.

Applicants' claim for priority under 35 U.S.C. 119 filed 09 March 2001 based upon German application Nos. 198 28 626.0, 198 28 919.7, 198 53 658.5, and 198 60 118.2 are already listed in the international publication and hereby acknowledged.

### CONCLUSION

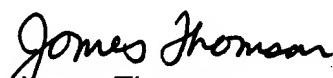
Since the declaration has been located and is in compliance with 37 CFR 1.497, applicants' petition under 37 CFR 1.182 is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 28 June 1999, under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371(c) date of **22 February 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



James Thomson  
Attorney Advisor  
PCT Legal Office

Tel.: (703) 308-6457